



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

September 18, 2009

Board Members Present: Rebecca Grabski, OTA Vice-Chair
Laura Beckman, OTR Member
Christine Rosenberg, OTR Member
John Tutelman, Public Representative
Deborah Devine, Public Representative

Staff Present: Wendy H. Hammon Executive Director
Vicki Egurrola, Administrative Assistant

Legal Representative: Montgomery Lee, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:32 p.m. Rebecca Grabski, Vice Chair presiding.

Roll Call

All Board members were present.

Approval of Minutes

Regular Session Minutes of August 14, 2009

John Tutelman moved to approve the minutes as amended. Laura Beckman seconded the motion. The motion passed 5-0.

Declaration of Conflicts

Laura Beckman made a declaration stating that she knows Nancy Conrad from Ms. Beckman's association with the Arizona Occupational Therapy Association. Rebecca Grabski asked Ms. Beckman if she could be impartial with regard to the matter before the board and Ms. Beckman stated that she could.

Review Meeting Schedule

The Board affirmed that meetings scheduled for October 9th and November 13th did not pose a problem. Therefore, at this time the meetings will remain as scheduled.

Initial Review of Complaints

1. Nancy Conrad, License no. 0090, complaint no. 09-OT-0090

Ms. Conrad was present and available to answer questions from the Board. The Board discussed the various aspects of the complaint and noted that there was confusion on the part of the individual filing the complaint as she repeatedly referred to Physical Therapy and changed the dates of service. Then there was considerable questioning of Ms. Conrad to include information relating to the condition of the patient. The Board noted that the witness cited by the complainant had stated that she did not hear or witness any outburst. Therefore, after careful consideration of the facts, John Tutelman moved to dismiss the complaint. Christine Feltman Rosenberg seconded the motion and it passed 5-0.

Complaint Action Status Report

Matthew Strang - The Executive Director gave the Board an update on discipline actions outstanding. She reported that Mr. Strang had not yet submitted anything with regard to his consent agreement. She also reminded the Board that the quarterly reminder letters would be going out on or about October 1, 2009.

Shannon Brown - The Executive Director reported that with regard to the complaint against Shannon Brown that nothing had been received yet but that Ms. Brown's attorney had requested a copy of the transcript of the formal hearing.

Darryl Ramsey - The Executive Director reported that the results of his fingerprints had come in and that a negative report had been received which was in conflict with the information contained in his application and renewal applications. Based on the information received, Deborah Devine moved to open a complaint against Mr. Ramsey which was seconded by Laura Beckman. The motion passed 5-0. Mr. Ramsey will be notified and asked to appear at the October Board Meeting.

Teresa Baehner - The Executive Director advised the Board that with regard to the complaint against Teresa Baehner and the resultant consent agreement that Ms. Baehner had met the terms of the consent agreement. As a result, Board staff recommended consideration be given to closing the complaint. Deborah Devine moved to close the complaint which was seconded by John Tutelman. The motion passed 5-0.

Sarah Perkins – The Executive Director reported that Ms. Perkins had signed her consent agreement but that nothing had been received as of this date.

The Executive Director advised the Board that there were three new complaints filed and asked when the Board wanted to schedule them. There was a brief discussion regarding each of the cases and it was determined that the case of Susan Nesbit and Doris Mesch would be scheduled for October with the case of Nicole Kell being held until the November meeting.

Substantive Review, Discussion, and Vote Re: Applications for Licenses as Follows:

a. Initial Application

The Board was presented with 14 initial applications 2 of which required review.

Deborah Devine moved to approve the 12 applicants not requiring review. The motion was seconded by Laura Beckman and passed 5-0.

Melissa Clark	Kimberly Hanson	Matthew Henslee	Suzette Holloway
Andrea Icenogle	Hilary Lace	Gail Lindahl	Lisa Luongo
Daniel Morrison Jr.	Tamara Patton	Teresa Torres	Beth Williamson

Bert Guy – Mr. Guy had answered “no” to question 8 on the application. However, the DPS report on his fingerprints included a negative report. There was considerable discussion by the Board regarding the facts presented. At the conclusion of the discussion, Deborah Devine moved to approve Mr. Guy’s application. Rebecca Grabski seconded the motion. The motion passed 4-1.

John Tutelman moved to open a complaint for an informal interview of Mr. Guy. Laura Beckman seconded the motion and it passed 5-0.

Evan Stuart – Mr. Stuart had submitted his fingerprints for processing, however, in the interest of getting his license issued at this Board meeting presented his DPS clearance card and asked that the Board consider approving his license based on this document. John Tutelman moved to approve the license application which was seconded by Christine Feltman Rosenberg. The motion passed 5-0.

b. Renewal of Licenses

There were four renewal applications that required Board review.

Wendy Burkholder – Ms. Burkholder had let her license expire but had not provided services. This licensee was informational only for the Board.

Daniel Scott – John Tutelman moved to approve the renewal application of Mr. Scott. The motion was seconded by Deborah Devine and passed 5-0.

Mr. Scott’s license had expired and he did continue to provide services. John Tutelman moved to open a complaint and offer Mr. Scott a consent agreement which includes 1 year probation. He must notify all individuals and insurance companies within 30 days that he did practice without a license and at that time the probation can be terminated. Deborah Devine seconded the motion and it passed 5-0.

Darcie Bulger – Rebecca Grabski recused herself from this discussion and asked John Tutelman to act as chair during the discussion. Deborah Devine moved to approve the renewal application for Ms. Bulger. Christine Feltman Rosenberg seconded the motion and it passed 4-0.

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Deborah Devine moved to open a complaint against Ms. Bulger and offer a consent agreement which includes 1 year probation and the requirement to notify all patients and insurance companies within 30 days that she practiced without a license. Once complete the probation can be terminated. Laura Beckman seconded the motion and it passed 4-0.

John Tutelman passed the chair responsibilities back to Rebecca Grabski who rejoined the Board at this time.

Karen Rice – John Tutelman moved to approve the renewal application of Karen Rice. Laura Beckman seconded the motion and it passed 5-0

John Tutelman moved to open a complaint and offer Ms. Rice a consent agreement which includes 1 year probation and the requirement to notify all patients and insurance companies within 30 days that she practiced without a license. Since the violation involved only one patient and that patient is Spanish speaking Mr. Tutelman included that the notification be in the primary language of the patient. Deborah Devine seconded the motion and it passed 5-0.

Deborah Devine moved to approve the remainder of the renewal applications. John Tutelman seconded the motion and it passed 5-0.

Cayla Anderson	Jacqueline Ashlock	Kimberly Aston	Andrea Babcock
Susan Bautista	Tamara Berridge	Connie Blanco	Sarah Bodey
Catherine Brandon	Rennetta Brown	Annette Bulat	Darcie Bulger
Kathleen Burhans	Wendy Burkholder	Katherine Cano	Stephen Carnazzo
Loren Carruth	Elizabeth Coon	Suzanne Corbelli	Jennifer Crandall
Janet Curran	David D'Ambrosio	Lori Delos	Nilza Devries
Tamra Dimond	Suzanne Doods	Jennifer Dupay	Robin Dyson
Dina Eck	Janette Fiske	Christopher Fortine	Christine Foy
Jean-Anne Freeman	Janice Fritsche	Aurelia Fuller	Jennifer Garcia
Connie Gardner	Laura Gieselman	Rebecca Goldstein	Kathy Gunsolus
Tiffany Guy	Kathleen Hann	Janet Hicks	Dawn Hoffman
Marilyn Hostrawser	Julie Johnson	Neelambari Joshi	Brenda Kania
Donna Kempf	Stephanie Kent	Tammy Kirton	Harriet Knighton
Trudy Kopas	Johnston Lajom	Nancy Lambertsen	Joan Le Roux
Roslyn Locker	Mary Lynn	Kimberly Macdonald	Lillian Manaloto
Sharidan Martin	Cindy McCullough	Catherine McGuire	Elizabeth Mclendon
Regina Meis	Debra Molter	Maureen Murphy	Mary Padilla
Audra Parker	Deanne Peterson	Thomas Pinter	Patricia Powell
Beatrice Preciado	Kate Pressman	Carrie Ptacin	Michael Reed
Karen Rice	Kathleen Richards	Thomas Riley	Jan Marie Ristau
Kelly Rostan	Prakash Sahoo	Seema Sahoo	Kristie Sailer
Larry Salazar	Kimberly Salinas	Kelly Schwarz	Sarah Scofinsky
Daniel Scott	Diane Segal	Monika Shumbo-Poissa	Michael Simmons

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Nancy Skodiak	Diane Sparks	Jordan Staenberg	Sara Stuckenschneid
Amber Tagg	Debra Tew	Anna Thomas	Bridget Thompson
Kristie Lynn Ullma	Abby Ulrich	Jessica Vieane	Ruth Waldrop
Rebecca Watt	Sondra Wilkinson	Victoria Woehler-Appel	Jeri Young
Mary Zurek-Ortiz			

c. Limited Permits

John Tutelman moved to approve the following limited permit applicant listed. Deborah Devine seconded the motion, and the motion passed 5-0.

Jennifer Murphy	Margarita Ortiz-Serrano	Tanyia Schier	
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Other Board Business and Reports

a. Executive Director Position

At 2:45 p.m. Rebecca Grabski moved to go into executive session to discuss personnel matters and obtain legal opinion regarding the executive director position. Christine Feltman Rosenberg seconded the motion and it passed 5-0. At 3:08 p.m. the Board returned to public session.

Michael Nesbitt representing the Board of Athletic Training was present and requested to address the Board. On behalf of the Board, Mr. Nesbitt expressed their satisfaction with the performance of the current executive director and stated that since the Athletic Training Board is going into sunset they would not like to see the position change. He also stated that their licensees were very satisfied with the manner in which the Board business was being handled and the improvements that were being made.

The Board then discussed the options available to them which included opening the position to an outside search or offering the current executive director the position changing from temporary part time to temporary full time.

After considerable discussion, John Tutelman moved to offer the temporary position to the current executive director on a full time basis until the end of the year. Deborah Devine seconded the motion and it passed 4-1.

Next the Board discussed the compensation of the position for the current executive director. Again, after considerable discussion John Tutelman moved to continue the current rate of pay with the Board paying 50% of the pay and the Athletic Training Board paying the other 50%. Deborah Devine seconded the motion and it passed 4-1.

The Board asked the Executive Director to be sure this item was included on the December agenda.

Review, discussion and Possible Action on Administrative Matters

a. Revenue and expenditure report

The Board reviewed and discussed the revenue and expenditure report. Per the Board's request in the August meeting the Executive Director provided a copy of the Central Service Bureau (CSB) financial report. It was explained that although the reports contained similar information the report provided by the Executive Director provided more up to date information which, as is the case with the CSB report, is reconciled to the State Financial System. However, the report provided by the Executive Director is also now including projected expenditures which is not included in the CSB report. After discussion it was requested that the Executive Director's report also include a column that reflected the expenses at the end of the prior year.

b. Administrative Project Status Report

The Board reviewed and discussed the Administrative Status Report

Office Space – The Executive Director advised the Board that she had been contacted by the Governor's Office informing her that additional space has opened up at the Capitol. This may change the plans of the Board for the upcoming move. The Executive Director is supposed to receive additional information the week of the 21st. She will keep the Board apprised of what is going on.

Lawsuit – The Executive Director advised the Board that there has been no further action regarding the software lawsuit.

Risk Management – The Executive Director reported that she contacted Risk Management since the money had not been returned yet. She received an apology and was told that the money would be transferred at the end of the week.

Board Members – There is no new information regarding the replacement of board members.

Policies and Procedures – Due to other priorities nothing has happened with regard to the need for policies and procedures.

Attorney General's Public records request – Four cases of documents have been turned over to the Attorney General's Office. There is much left to be done and it will be worked as quickly as possible.

HB2306 – Montgomery Lee, Asst. AG provided an update to the legal review of this bill. In summary, effective October 1, 2009, the Board will no longer need to require citizenship/right to work information from those persons that have already provided the documentation.

Governor's Office – rule making – there has been no change to the moratorium on rule making.

Joan Catherine LeRoux – The Board was advised of a communication from Ms. LeRoux regarding the requirement to provide original copies of certificates from ArizOTA verifying continuing education. Ms. LeRoux provided that to turn over originals to the State creates a problem for licensees who need the originals for other licenses. The determination of the Board is that unfortunately the Arizona Administrative Code (rules) require the originals be turned in. After careful consideration it was determined by the Board that the licensee could submit the original and a copy of the certificate for comparison. The copy would be placed in the licensee's file. If the licensee wanted the original returned, they would need to provide a self-addressed stamped envelope.

c. Agency Operations

Delegation of authority – As a beginning place for the development of policies and procedures, it was suggested by the Executive Director that the Board consider what authority it wanted to delegate to the Executive Director. The Board was presented with copies of the duties of the Executive Director as it appears in the statutes of each of the Boards for whom services are provided. There was some discussion on this matter and it was tabled for the time being.

Rebecca Grabski requested that "future agenda items" be added to the agenda which will be done. She also requested that for the next Board meeting that a study of the fees be assessed to OTs and OTAs. OT's initial fee is only \$35 less than the renewal fee of \$200 where OTAs initial fee is \$70 more than the renewal fee. Ms. Grabski asked the Executive Director to do a quick study of the matter and to look at the number of licenses being processed on a monthly basis.

Call to the Public

A call for public comment was issued by the Board with no response.

Adjournment

There being no further business before the Board, the meeting was adjourned at 3:56 p.m.

Respectfully submitted,

Wendy H. Hammon
Executive Director